

## SENATE BILL NO. 53

INTRODUCED BY G. ROUSH

BY REQUEST OF THE STATE ADMINISTRATION, PUBLIC RETIREMENT SYSTEMS, AND VETERANS'

AFFAIRS INTERIM COMMITTEE

A BILL FOR AN ACT ENTITLED: "AN ACT ~~INCLUDING EITHER A MOTOR HOME OR A TRUCK USED TO TOW A TRAVEL TRAILER AS THE ONE VEHICLE THAT~~ ALLOWING A 100 PERCENT DISABLED VETERAN ~~MAY TO~~ REGISTER FOR A FEE OF \$5 ONE MOTOR VEHICLE THAT IS NOT USED FOR COMMERCIAL PURPOSES; AMENDING SECTIONS ~~61-1-130, 61-1-131,~~ 61-3-332, AND 61-3-453, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND AN APPLICABILITY DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

~~Section 1. Section 61-1-130, MCA, is amended to read:~~~~"61-1-130. Motor home. "Motor home" as used in 61-3-332, 61-3-453, 61-3-521, and 61-3-522 means a motor vehicle:~~~~(1) designed to provide temporary living quarters, and built as an integral part of or permanently attached to a self-propelled motor vehicle chassis or van;~~~~(2) containing permanently installed independent life support systems that meet the ANSI/A119.2 standard; and~~~~(3) providing at least four of the following types of facilities:~~~~(a) cooking, refrigeration, or icebox;~~~~(b) self-contained toilet;~~~~(c) heating or air conditioning, or both;~~~~(d) potable water supply, including a faucet and sink; or~~~~(e) separate 110-volt or 125-volt electrical power supply or a liquefied petroleum gas supply, or both."~~~~Section 2. Section 61-1-131, MCA, is amended to read:~~~~"61-1-131. Travel trailer. "Travel trailer" as used in 61-3-332, 61-3-453, 61-3-521, and 61-3-523~~

1 ~~means a trailer 45 feet or less in length and 8 feet or less in width originally designed or permanently~~  
2 ~~altered to provide temporary facilities for recreational, travel, or camping use and not used as a principal~~  
3 ~~residence."~~

4

5 **Section 1.** Section 61-3-332, MCA, is amended to read:

6 **"61-3-332. Number plates.** (1) A motor vehicle that is driven upon the streets or highways of  
7 Montana must display both front and rear number plates, bearing the distinctive number assigned to the  
8 vehicle. The number plates are in 10 series: one series for owners of motorcars, one for owners of motor  
9 vehicles of the motorcycle or quadricycle type, one for trailers, one for trucks, one for dealers in vehicles  
10 of the motorcycle or quadricycle type that bears the distinctive letters "MCD" or the letters "MC" and the  
11 word "DEALER", one for franchised dealers in new motorcars (including trucks and trailers) or new and  
12 used motorcars (including trucks and trailers) that bears the distinctive letter "D" or the word "DEALER",  
13 one for dealers in used motorcars only (including used trucks and trailers) that bears the distinctive letters  
14 "UD" or the letter "U" and the word "DEALER", one for dealers in trailers and/or semitrailers (new or used)  
15 that bears the distinctive letters "DTR" or the letters "TR" and the word "DEALER", one for dealers in  
16 recreational vehicles that bears the distinctive letters "RV" or the letter "R" and the word "DEALER", and  
17 one for special license plates. All markings for the various kinds of dealers' plates must be placed on the  
18 number plates assigned to the dealer, in the position that the department designates.

19 (2) (a) All number plates for motor vehicles must be issued for a maximum period of 4 years, bear  
20 a distinctive marking, and be furnished by the state. In years when number plates are not issued, the  
21 department shall provide nonremovable stickers bearing appropriate registration numbers that must be  
22 affixed to the license plates in use.

23 (b) For light vehicles that are permanently registered as provided in 61-3-527 or 61-3-562, the  
24 department shall provide distinctive nonremovable stickers indicating that the vehicle is permanently  
25 registered. The stickers must be affixed to the license plates in use.

26 (3) (a) Subject to the provisions of this section, the department shall create a new design for  
27 number plates as provided in this section, and it shall manufacture the newly designed number plates for  
28 issuance after December 31, 1999, to replace at renewal, as required in 61-3-312 and 61-3-314, number  
29 plates that were displayed on motor vehicles before that date.

30 (b) Beginning January 1, 2000, the department shall manufacture and issue new number plates

1 every 4 years.

2 (4) In the case of motorcars and trucks, plates must be of metal 6 inches wide and 12 inches in  
3 length. The outline of the state of Montana must be used as a distinctive border on the license plates, and  
4 the word "Montana" and the year must be placed across the plates. Registration plates must be treated  
5 with a reflectorized background material according to specifications prescribed by the department.

6 (5) The distinctive registration numbers must begin with a number one or with a letter-number  
7 combination, such as "A 1" or "AA 1", or any other similar combination of letters and numbers. The  
8 distinctive registration number or letter-number combination assigned to the vehicle must appear on the  
9 plate preceded by the number of the county and appearing in horizontal order on the same horizontal  
10 baseline. The county number must be separated from the distinctive registration number by a separation  
11 mark unless a letter-number combination is used. The dimensions of the numerals and letters must be  
12 determined by the department, and all county and registration numbers must be of equal height.

13 (6) For the use of exempt motor vehicles and motor vehicles that are exempt from the registration  
14 fee as provided in 61-3-560(2)(a), in addition to the markings provided in this section, number plates must  
15 bear the following distinctive markings:

16 (a) For vehicles owned by the state, the department may designate the prefix number for the  
17 various state departments. All numbered plates issued to state departments must bear the words "State  
18 Owned", and a year number may not be indicated on the plates because these numbered plates are of a  
19 permanent nature and will be replaced by the department only when the physical condition of numbered  
20 plates requires it.

21 (b) For vehicles that are owned by the counties, municipalities, and special districts, as defined  
22 in 18-8-202, organized under the laws of Montana and not operating for profit, and that are used and  
23 operated by officials and employees in the line of duty and for vehicles on loan from the United States  
24 government or the state of Montana to, or owned by, the civil air patrol and used and operated by officials  
25 and employees in the line of duty, there must be placed on the number plates assigned, in a position that  
26 the department may designate, the letter "X" or the word "EXEMPT". Distinctive registration numbers for  
27 plates assigned to motor vehicles of each of the counties in the state and those of the municipalities and  
28 special districts that obtain plates within each county must begin with number one and be numbered  
29 consecutively. Because these number plates are of a permanent nature, they are subject to replacement  
30 by the department only when the physical condition of the number plates requires it and a year number

1 may not be displayed on the number plates.

2 (7) On all number plates assigned to motor vehicles of the truck and trailer type, other than  
3 tax-exempt trucks and tax-exempt trailers, there must appear the letter "T" or the word "TRUCK" on  
4 plates assigned to trucks and the letters "TR" or the word "TRAILER" on plates assigned to trailers and  
5 housetrailer. The letters "MC" or the word "CYCLE" must appear on plates assigned to vehicles of the  
6 motorcycle or quadricycle type.

7 (8) Number plates issued to a passenger car, truck, trailer, or vehicle of the motorcycle or  
8 quadricycle type may be transferred only to a replacement passenger car, truck, trailer, or motorcycle- or  
9 quadricycle-type vehicle. A registration or license fee may not be assessed upon a transfer of a number  
10 plate under 61-3-317 and 61-3-335.

11 (9) For the purpose of this chapter, the several counties of the state are assigned numbers as  
12 follows: Silver Bow, 1; Cascade, 2; Yellowstone, 3; Missoula, 4; Lewis and Clark, 5; Gallatin, 6; Flathead,  
13 7; Fergus, 8; Powder River, 9; Carbon, 10; Phillips, 11; Hill, 12; Ravalli, 13; Custer, 14; Lake, 15;  
14 Dawson, 16; Roosevelt, 17; Beaverhead, 18; Chouteau, 19; Valley, 20; Toole, 21; Big Horn, 22;  
15 Musselshell, 23; Blaine, 24; Madison, 25; Pondera, 26; Richland, 27; Powell, 28; Rosebud, 29; Deer  
16 Lodge, 30; Teton, 31; Stillwater, 32; Treasure, 33; Sheridan, 34; Sanders, 35; Judith Basin, 36; Daniels,  
17 37; Glacier, 38; Fallon, 39; Sweet Grass, 40; McCone, 41; Carter, 42; Broadwater, 43; Wheatland, 44;  
18 Prairie, 45; Granite, 46; Meagher, 47; Liberty, 48; Park, 49; Garfield, 50; Jefferson, 51; Wibaux, 52;  
19 Golden Valley, 53; Mineral, 54; Petroleum, 55; Lincoln, 56. Any new counties must be assigned numbers  
20 by the department as they may be formed, beginning with the number 57.

21 (10) Each type of special license plate approved by the legislature, except collegiate license plates  
22 authorized in 61-3-463, must be a separate series of plates, numbered as provided in subsection (5),  
23 except that the county number must be replaced by a nonremovable design or decal designating the group  
24 or organization to which the applicant belongs. Unless otherwise specifically stated in this section, the  
25 special plates are subject to the same rules and laws as govern the issuance of regular license plates, must  
26 be placed or mounted on a vehicle owned by the person who is eligible to receive them, and must be  
27 removed upon sale or other disposition of the vehicle. The special license plates must be issued to national  
28 guard members, former prisoners of war, persons with disabilities, reservists, disabled veterans, survivors  
29 of the Pearl Harbor attack, veterans of the armed services, national guard veterans, legion of valor  
30 members, or veterans of the armed services who were awarded the purple heart medal, who comply with

1 the following provisions:

2 (a) (i) An active member of the Montana national guard may be issued special license plates with  
3 a design or decal displaying the letters "NG". The adjutant general shall issue to each active member of  
4 the Montana national guard a certificate authorizing the department to issue national guard plates,  
5 numbered in sets of two with a different number on each set, and the member shall surrender the plates  
6 to the department upon becoming ineligible to use them.

7 (ii) The department may issue national guard veteran plates, bearing a design or decal displaying  
8 the Montana national guard insignia and the words "National Guard veteran" and numbered in sets of two  
9 with a different number on each set, to an applicant who presents to the department a copy of certification  
10 of national guard retirement eligibility issued by the appropriate authorities for the applicant or the  
11 applicant's deceased spouse and who pays, in addition to all taxes and fees required by parts 3 and 5 of  
12 this chapter, a national guard veteran license plate fee of \$10. The additional fee must be distributed in  
13 accordance with the provisions of subsection (10)(f)(iii) and (10)(f)(iv).

14 (b) An active member of the reserve armed forces of the United States of America who is a  
15 resident of this state may be issued special license plates with a design or decal displaying the following:  
16 United States army reserve, AR (symbol); United States naval reserve, NR (anchor); United States air force  
17 reserve, AFR (symbol); and United States marine corps reserve, MCR (globe and anchor). The commanding  
18 officer of each armed forces reserve unit shall issue to each eligible member of the reserve unit a  
19 certificate authorizing the issuance of special license plates, numbered in sets of two with a different  
20 number on each set. The member shall surrender the plates to the department upon becoming ineligible  
21 to use them.

22 (c) (i) ~~A~~ Subject to the limitation in 61-3-453, a resident of Montana who is a veteran of the armed  
23 forces of the United States and who is 100% disabled because of an injury that has been determined by  
24 the department of veterans affairs to be service-connected may, upon presentation to the department of  
25 proof of the 100% disability, be issued:

26 (A) a special license plate under this section with a design or decal displaying the letters "DV";  
27 or

28 (B) one set of any other military-related plates that the disabled veteran is eligible to receive under  
29 this section.

30 (ii) The fee for original or renewal registration by a 100% disabled veteran for a ~~passenger vehicle,~~

~~a motor home, a truck used to tow a travel trailer, or a truck with a GVW-rated capacity of 1 ton or less~~  
MOTOR VEHICLE, AS DEFINED IN 61-1-102, THAT IS NOT USED FOR COMMERCIAL PURPOSES is \$5 and is in lieu of all other fees and taxes for that vehicle under this chapter.

(iii) Special license plates issued to a disabled veteran are not transferable to another person.

(iv) A disabled veteran is not entitled to a special disabled veteran's license plate for more than one vehicle.

(v) A vehicle lawfully displaying a disabled veteran's plate and that is conveying a 100% disabled veteran is entitled to the parking privileges allowed a person with a disability's vehicle under this title.

(d) A Montana resident who is a veteran of the armed forces of the United States and was captured and held prisoner by a military force of a foreign nation, documented by the veteran's service record, may upon application and presentation of proof be issued special license plates, numbered in sets of two with a different number on each set, with a design or decal displaying the words "ex-prisoner of war" or an abbreviation that the department considers appropriate.

(i) Fees required under 61-3-321(1) and (5) may not be assessed upon one set of license plates issued to an ex-prisoner of war under this subsection (10)(d).

(ii) A special license plate fee may not be assessed upon one set of special license plates issued to an ex-prisoner of war under this subsection (10)(d).

(iii) An ex-prisoner of war is exempt from the light vehicle ~~taxes~~ registration fees imposed under ~~61-3-504~~ 61-3-560 through 61-3-562 for one vehicle that displays a set of ex-prisoner of war license plates.

(iv) A surviving spouse of an ex-prisoner of war may retain the special license plates that have been issued to the ex-prisoner of war if the spouse complies with the provisions of 61-3-457.

(e) Except as provided in subsections (10)(c) and (10)(d), upon payment of all taxes and fees required by parts 3 and 5 of this chapter and upon furnishing proof satisfactory to the department that the applicant meets the requirements of this subsection (10)(e), the department shall issue to a Montana resident who is a veteran of the armed services of the United States special license plates, numbered in sets of two with a different number on each set, designed to indicate that the applicant is a survivor of the Pearl Harbor attack if the applicant was a member of the United States armed forces on December 7, 1941, was on station on December 7, 1941, during the hours of 7:55 a.m. to 9:45 a.m. (Hawaii time) at Pearl Harbor, the island of Oahu, or was offshore at a distance of not more than 3 miles, and received

1 an honorable discharge from the United States armed forces. If special license plates issued under  
2 subsection (10)(d) and this subsection are lost, stolen, or mutilated, the recipient of the plates is entitled  
3 to replacement plates upon request and without charge.

4 (f) A motor vehicle owner and resident of this state who is a veteran or the surviving spouse of  
5 a veteran of the armed services of the United States may be issued license plates inscribed as provided  
6 in subsection (10)(f)(i) if the veteran was separated from the armed services under other than dishonorable  
7 circumstances or was awarded the purple heart medal:

8 (i) Upon submission of a department of defense form 214(DD-214) or its successor or documents  
9 showing an other-than-dishonorable discharge or a reenlistment, proper identification, and other relevant  
10 documents to show an applicant's qualification under this subsection, there must be issued to the  
11 applicant, in lieu of the regular license plates prescribed by law, special license plates numbered in sets  
12 of two with a different number on each set. The plates must display:

13 (A) the word "VETERAN" and a symbol signifying the United States army, United States navy,  
14 United States air force, United States marine corps, or United States coast guard, according to the record  
15 of service verified in the application; or

16 (B) a symbol representing the purple heart medal.

17 (ii) Plates must be furnished by the department to the county treasurer, who shall issue them to  
18 a qualified veteran or to the veteran's surviving spouse. The plates must be placed or mounted on the  
19 vehicle owned by the veteran or the veteran's surviving spouse designated in the application and must be  
20 removed upon sale or other disposition of the vehicle.

21 (iii) Except as provided in subsections (10)(c) and (10)(d), a veteran or surviving spouse who  
22 receives special license plates under this subsection (10)(f) is liable for payment of all taxes and fees  
23 required under parts 3 and 4 of this chapter and a special veteran's or purple heart medal license plate fee  
24 of \$10. Upon an original application for a license under this subsection (10)(f), the county treasurer shall:

25 (A) deposit \$3 of the special fee in the county general fund;

26 (B) remit \$1 for deposit in the state general fund; and

27 (C) deposit the remainder of the special fee in the state special revenue account established in  
28 10-2-603 for administration, construction, operation, and maintenance of the state veterans' cemeteries.

29 (iv) Upon subsequent annual renewal of registration, the county treasurer shall deposit all of the  
30 special fee as provided in subsection (10)(f)(iii)(C).

(g) A Montana resident who is eligible to receive a special parking permit under 49-4-301 may, upon written application on a form prescribed by the department, be issued a special license plate with a design or decal bearing a representation of a wheelchair as the symbol of a person with a disability.

(h) The department may issue legion of valor license plates, bearing a design or decal depicting the recognized legion of valor medallion and numbered in sets of two with a different number on each set, to an applicant who presents to the department proper documentation of receipt of a legion of valor award by appropriate authorities to the applicant or the applicant's deceased spouse and who pays all taxes and fees required by parts 3 and 5 of this chapter.

(11) The provisions of this section do not apply to a motor vehicle, trailer, or semitrailer that is registered as part of a fleet, as defined in 61-3-712, and that is subject to the provisions of 61-3-711 through 61-3-733."

**Section 2.** Section 61-3-453, MCA, is amended to read:

**"61-3-453. Disabled veterans' plates limited to one automobile or truck -- personalized plates.** (1)

A disabled veteran is ~~not~~ entitled to special license plates for disabled veterans under 61-3-332(10)(c)(i)(A) or 61-3-426(2) for ~~more than only one passenger automobile, one motor home, one truck used to tow a travel trailer, or one truck up to and including 1 ton with a GVW-rated capacity of 1 ton or less~~ MOTOR VEHICLE, AS DEFINED IN 61-1-102, AS LONG AS THAT VEHICLE IS NOT USED FOR COMMERCIAL PURPOSES.

(2) Upon submitting the application provided for in 61-3-405 and payment of the \$25 fee provided for in 61-3-406, a disabled veteran must receive personalized disabled veteran license plates."

NEW SECTION. **Section 3. Effective date.** [This act] is effective on passage and approval.

NEW SECTION. **Section 4. Applicability.** [This act] applies to an original or renewal registration of a motor vehicle pursuant to 61-3-332(10)(c) after [the effective date of this act].

- END -